

R E M A R K S

In the Office Action mailed November 30, 2006, the Examiner rejected claims 1-3, 5-10, 17, 19, and 20. The Examiner rejected claims 1, 2, and 6-10 under 35 USC §102(b) as being anticipated by Kimura (US4,600,978). The Examiner rejected claim 3 as being unpatentable over Kimura in view of Litke et al. (US 6,092,917). The Examiner rejected claim 3 under 35 USC §103(a) as being unpatentable over Kimura in view of Litke et al., and claim 5 as being unpatentable over Kimura in view of Litke et al. and Clayton (US 2,996,608). The Examiner rejected claims 17, 19, and 20 under 35 USC §103(a) as being unpatentable over Kimura in view of Kaminski et al. (US 4,628,417). The Examiner objected to claim 4 as depending from a rejected base claim but indicated it would be allowable if appropriately rewritten. The Examiner allowed claims 11-16.

Reconsideration and re-examination of the application considering the following remarks is respectfully requested.

Rejections Under 35 USC §102(b)

The Examiner rejected claims 1, 2, and 6-10 under 35 USC §102(b) as being anticipated by Kimura (US4,600,978). As stated in response to the previous Office Action, Applicant respectfully disagrees and traverses the Examiner's rejection for the reasons below that have not been addressed by the Examiner.

The Examiner indicated that Applicant's arguments were moot in view of the new grounds of rejection. However, Applicant notes that the reference relied upon (Kimura '978) in the previous Office Action has again been applied as anticipating Applicant's claims without addressing the distinctions noted by Applicant in the previous response.

In particular, Applicant's claimed invention pivots and rotates while Kimura only pivots and does not rotate as disclosed and claimed by Applicant. As illustrated by arrow 50 in Figs. 4 and 6, Applicant's claimed dual-function lamp (Claims 1, 17) pivots into and out of a first plane to provide a retracted dome lighting position (Fig. 5) and an extended reading light position (Fig. 6). In contrast, Kimura '978 discloses a lamp assembly that operates an embedded

switch when pivoted from a retracted to extended position to provide illumination through translucent lens 8. However, the lamp does not provide illumination in the retracted ("dome") position because the switch 9 is set to the off position as described in Col. 3, ll. 12-17, and lid 3a is opaque (Col. 4, ll. 57-58) and therefore is not a dual function lamp that provides illumination to first and second target areas as claimed by Applicant in claims 1 and 17.

Furthermore, while Kimura '978 discloses a housing that pivots from the retracted (unlit or "off") position to an extended lighted position, the housing does not rotate about an axis generally normal to the bezel as disclosed (See arrow 46 of Figs. 2 and 4) and claimed by Applicant in independent claims 1 and 17.

The Examiner cites Figure 4, and items 12 and 13 as anticipating the rotatable retainer claimed by Applicant. However, as described beginning at Col. 3, l. 59 through Col. 4, l. 62, item 12 is a "sector gear" that engages a rotary damper 14 that has a toothed wheel 13 to engage the sector gear 12 and provide damped movement as lid 3a rotates (or pivots as described by Applicant) from its retracted position to an extended position. As such, the only "rotation" described in Kimura is the "pivoting" as described by Applicant. Applicant's claimed invention requires both pivoting between dome and reading positions and rotation about an axis generally normal to the bezel. The "rotation" of sector gear 12 is about axis or shaft 4a. The "rotation" of toothed wheel 13 is about an axis parallel to shaft 4a, not normal to surface 3a as disclosed and claimed by Applicant.

A rejection under 35 USC §102(b) requires that each and every claimed element be present in the reference relied upon. As noted above, two claimed features (a dome or retracted lighting position and a retainer allowing rotation about an axis perpendicular to the bezel) of Applicant's invention as claimed in claim 1 (and 17 discussed below) are not disclosed in Kimura. Applicant requests that the rejection under 35 USC §102(b) be withdrawn.

Similarly, with respect to claim 2, there is no disclosure in Kimura of a manually operated switch to operate the lamp when in the retracted position. The only switch disclosed by Kimura is switch 9 that is operated by cam 9a as the illumination panel 3a moves between its retracted and extended positions.

Claim 2 is a dependent claim and must be read in conjunction with the independent claim 1 from which it depends. The Examiner can not rely on switch 9 to anticipate the switch operated by movement of the lamp between the retracted and extended positions (switch 92 of Fig. 4 in Applicant's disclosure) and rely on the same switch 9 as anticipating Applicant's claim 2, which requires a second switch (switch 94 of Fig. 4 in Applicant's disclosure). Furthermore, the switch required by claim 2 is a manually operated switch (94) to control illumination within the lamp housing when the lamp housing is in the retracted position. Switch 9 disclosed by Kimura is the only switch disclosed, is automatically (not manually operated) actuated by cam 9a, and does not control illumination of lamp 7 when in the retracted position (See Col. 1, ll. 11-17). As such, Applicant requests the rejection under 35 USC §102(b) of claim 2 be withdrawn.

With respect to claims 6-7, the Examiner relies on Figure 4 of Kimura as anticipating the claimed features. Applicant requests that the Examiner be more specific in identifying those features of Kimura by reference numeral or description in the text that anticipate Applicant's claimed features. As described above, Kimura does not disclose rotation of the lamp housing, but rather only pivoting from a retracted (unlit or "off") position to an extended (lighted or "on") position. Applicant's claims 6 and 7 are directed to the retaining members and associated protrusions that provide limited rotation of the lamp housing. Kimura does not disclose any such features. Again, the Examiner's interpretation of "rotation" as the movement disclosed by Kimura between retracted and extended positions is inconsistent with Applicant's description and use of that term. Applicant's use of "rotation" is specifically about an axis generally normal to the bezel, and is distinguished from "pivoting", which is the only motion disclosed by Kimura. As such, Kimura does not disclose "a plurality of retaining members disposed about the aperture" as claimed in Applicant's claim 6. Similarly, Kimura does not disclose "a protrusion that extends between adjacent retaining members to limit rotation of the lamp housing" as claimed in claim 7.

Claims 8-10 are dependent claims that depend from independent claim 1 and are patentable for the reasons described above with respect to claim 1.

As such, Kimura fails to disclose every feature of Applicant's invention as claimed in claims 1, 2, and 6-10 and Applicant respectfully requests the Examiner to withdraw the rejection under 35 USC§102(b).

Rejections Under 35 USC §103(a)

The Examiner rejected claim 3 as being unpatentable over Kimura in view of Litke et al. (US 6,092,917). The Examiner rejected claim 5 under 35 USC §103(a) as being unpatentable over Kimura in view of Litke et al. and Clayton (US 2,996,608). The Examiner rejected claims 17, 19, and 20 under 35 USC §103(a) as being unpatentable over Kimura in view of Kaminski et al. (US 4,628,417). Applicant respectfully disagrees and traverses the Examiner's rejections.

The rejections under 35 USC §103(a) rely on Kimura as the primary reference. However, as described in detail above and incorporated here by reference, the primary reference to Kimura fails to disclose or suggest a dual function lamp operable in the retracted and extended positions, or pivotable about a first axis and rotatable about a second axis. Although the secondary references to Litke et al. '917, Clayton '608, and Kiminski et al. '417 are not relied upon for these features, none of the secondary references disclose or suggest these features. As such, the proposed combination, even if proper, when taken as a whole fails to teach or suggest Applicant's claimed invention. Furthermore, Applicant respectfully submits that there is no proper motivation or suggestion to combine the features of Kimura with those of Litke '917, Clayton '608, or Kaminiski '417 as proposed by the Examiner.

Litke et al. '917 discloses a dual push-push lamp assembly for an overhead console that selectively operates multiple switches connected to multiple lamps to illuminate a desired area. In general, Litke et al. does not disclose a lamp that is movable between a dome lighting position and a reading position as disclosed and claimed by Applicant, and therefore, (similar to Kimura as described above) does not disclose or suggest a dual function lamp that illuminates first and second target areas. Litke et al. '917 uses different lamps 40, operated by separate switches 24, to illuminate different target areas. There

is no extended (reading) position, only a retracted (dome) position. Likewise, there is no pivoting and no rotation as disclosed and claimed by Applicant.

With respect to Claim 3, the lamp of Litke et al. is substantially flush with the outer surface of the overhead console 14 "except for the time in which the switches 24 are operatively depressed" (Col. 4, ll. 13-17), i.e. the lamp is substantially flush in the "extended" or normal position as described by Litke et al. and not in the "retracted" position as disclosed and claimed by Applicant. As such, although Litke et al. discloses a reflector portion, the proposed combination taken as a whole does not disclose or suggest Applicant's invention as claimed in claim 3.

For the reasons above, Applicant respectfully submits that the proposed combination of Kimura and Litke et al. fails to teach or suggest each feature of Applicant's invention as claimed in claim 3 and requests the Examiner to reconsider and withdraw the rejection under 35 USC §103(a).

The Examiner rejected claim 5 as being unpatentable over Kimura et al in view of Litke et al. and Clayton (US 2,996,608). Applicant respectfully disagrees and traverses the Examiner's rejection.

As described above and incorporated here by reference, the primary reference (Kimura) relied on by the Examiner fails to disclose a dual function lamp that pivots and rotates as claimed, for example. While Clayton discloses a protrusion on the lens to facilitate rotation, the proposed combination taken as a whole fails to teach or suggest Applicant's invention as claimed in independent claim 1 and dependent claim 5. In particular, the references relied on by the Examiner fail to disclose a dual function lamp operable in the retracted and extended positions that includes a rotating lens portion with a protrusion to facilitate rotation. The protrusion disclosed by Clayton is provided as a switching feature, i.e. to turn the lamp on/off. The lamp has only a single (retracted) position and therefore does not include a pivoting and rotatable retainer as disclosed by Applicant.

For the reasons above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 5 under 35 USC §103(a).

With respect to claims 17, 19, and 20, the proposed combination of Kimura and Kaminski taken as a whole fails to teach or suggest a dual-function lamp

pivotable about a first axis and rotatable about a second axis as described in detail above with respect to claim 1.

In particular, with respect to claim 17, the lamp housing 3 of Kimura is pivotable about shaft 4a to extend at an angle to provide illumination to a first target area as claimed by Applicant. However, Kimura discloses that lamp 7 is turned "off" in the retracted position and that even the lamp 7 were on, the front face or lid 3a is opaque and could not illuminate a second target area as claimed. "The light from the illuminator does not leak from the front side and the opposite lateral sides because the light-diffusing member 8 is disposed in the lower side of the illumination chamber 3 and the lid 3a and the opposite lateral plates 3b of the illumination chamber 3 are made of opaque materials." (Col. 3, ll. 53-58). As such, the lamp disclosed by Kimura does not "retract substantially flush with the bezel in the first plane to provide illumination to a second target area" as claimed by Applicant. Kimura does not disclose that the housing is "rotatable within the first plane about a second axis" as claimed by Applicant.

For the reasons above, Applicant respectfully submits that the proposed combination of references fails to teach or suggest all of the features of Applicant's claimed invention and that the rejection under 35 USC §103(a) should be withdrawn.

Summary

Applicants have made a genuine effort to respond to the Examiner's rejections to advance prosecution of this application. Applicants respectfully submit that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee is believed to be due as a result of filing this Amendment. However, please charge any fees to **Deposit Account 50-2438 (Lear Corporation)**.

The Examiner is requested to telephone the undersigned to discuss resolution of any remaining issues as necessary to place this case in condition for allowance.

Respectfully submitted:



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